

MONTANA LEGISLATIVE HISTORY

Chapter 368 1955

Bill H 326 S _____ Original bill & history C

H. Committee on Business + Labor

Hearing Date(s) Jan 31 ✓ C

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Date Out Jan 31 ✓ C

S. Committee on Business + Indus.,

Hearing Date(s) Mar 12 ✓ C

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Mar 12 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

EFFECTIVE DATE: 03/21/95

HB 325 INTRODUCED BY SIMPKINS

GENERALLY REVISE LAWS RELATING TO CERTAIN RETIREMENT SYSTEMS
ADMINISTERED BY THE PUBLIC EMPLOYEES' RETIREMENT BOARD
BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO STATE ADMINISTRATION		
1/27	HEARING		
2/03	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/04	2ND READING PASSED	80	17
2/06	3RD READING PASSED	77	21
	TRANSMITTED TO SENATE		
2/07	FIRST READING		
2/07	REFERRED TO STATE ADMINISTRATION		
3/01	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/08	2ND READING CONCURRED	48	0
3/09	3RD READING CONCURRED	45	2
	RETURNED TO HOUSE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	96	3
4/04	3RD READING AMENDMENTS CONCURRED	86	13
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/10	TRANSMITTED TO GOVERNOR		
4/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 412		
	EFFECTIVE DATE: 04/13/95		

HB 326 INTRODUCED BY COCCHIARELLA, ET AL.

PROVIDE RIGHT OF AN EMPLOYEE OF A PRIVATE OR PUBLIC
EMPLOYMENT AGENCY OR LABOR UNION, A BUILDING CODE
COMPLIANCE INSPECTOR, AN EMPLOYEE OF DEPARTMENT OF
COMMERCE, A PERSON WHO IS PROFESSIONALLY RESPONSIBLE FOR
A JOB SITE, OR A LICENSED ELECTRICIAN OR LICENSED PLUMBER TO
ASK A PERSON WORKING AT A JOB SITE FOR PROOF OF LICENSURE
AS AN ELECTRICIAN OR PLUMBER AND ALLOW LACK OF LICENSE TO
BE REPORTED TO DEPARTMENT OF COMMERCE OR TO STATE
ELECTRICAL BOARD OR BOARD OF PLUMBERS

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO BUSINESS & LABOR		
1/31	HEARING		
2/02	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/04	2ND READING PASSED	77	15
2/06	3RD READING PASSED	79	19
	TRANSMITTED TO SENATE		
2/07	FIRST READING		
2/07	REFERRED TO BUSINESS & INDUSTRY		
3/02	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/08	2ND READING CONCURRED	48	0
3/09	3RD READING CONCURRED	42	5
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	85	11
4/03	3RD READING AMENDMENTS CONCURRED	78	20

4/05 SIGNED BY SPEAKER
 4/06 SIGNED BY PRESIDENT
 4/07 TRANSMITTED TO GOVERNOR
 4/12 SIGNED BY GOVERNOR
 CHAPTER NUMBER 368
 EFFECTIVE DATE: 10/01/95

HB 327 INTRODUCED BY HEAVY RUNNER
 IMPLEMENT THE NATIONAL VOTER REGISTRATION ACT OF 1993
 BY REQUEST OF THE SECRETARY OF STATE

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO STATE ADMINISTRATION		
1/26	FISCAL NOTE REQUESTED		
1/30	SPONSOR FISCAL NOTE REQUESTED		
2/01	SPONSOR FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE PRINTED		
2/07	HEARING		
2/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/18	2ND READING PASSED AS AMENDED	81	16
2/21	3RD READING PASSED	78	22
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO STATE ADMINISTRATION		
3/10	HEARING		
3/29	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	16	31
4/05	TABLED IN COMMITTEE DIED IN COMMITTEE		

HB 328 INTRODUCED BY MOLNAR, ET AL.
 PROVIDE AN INCENTIVE PROGRAM FOR PHYSICIANS TO PRACTICE IN
 MEDICAL SHORTAGE AREAS IN MONTANA

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO HUMAN SERVICES & AGING		
1/26	FISCAL NOTE REQUESTED		
1/31	FISCAL NOTE RECEIVED		
1/31	FISCAL NOTE PRINTED		
2/01	HEARING		
2/10	TABLED IN COMMITTEE		
2/23	MISSED TRANSMITTAL DEADLINE DIED IN COMMITTEE		

HB 329 INTRODUCED BY HEAVY RUNNER, ET AL.
 ALLOW STUDENT FROM TRIBALLY CONTROLLED COMMUNITY OR
 STATE-FUNDED, 2-YEAR POSTSECONDARY INSTITUTION TO
 PARTICIPATE IN THE LEGISLATIVE INTERN PROGRAM

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/30	HEARING		
2/03	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/04	2ND READING PASSED	97	1
2/06	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
2/07	FIRST READING		

CHAIRMAN SIMON said if a bond is written on an individual and the purpose of that bond is to be certain they appear. When that bond expires in one year and the defendant is not required to appear, they are essentially without bond during that period of time. The whole purpose of the bond is gone. There should be some type of mechanism to make certain the bond stays in force for the period of time when that person actually does appear. **Mr. Restvedt** said he agreed.

REP. EWER asked if bail companies are required to file rates? **Frank Coty, Deputy Insurance Commissioner** said it was also a part of the casualty. The rates must be filed with the department before they can use the rates. **REP. EWER** said there was a constitutional right for bail so there must be interest in assuring that people know what they are purchasing. There was concern in empowering bail bondsmen to have policies for one year and after one year they can insist on another premium and the people are at the mercy of this business. Is there any protection to see that this business is regulated in the same manner as insurance companies are regulated so people understand the disclosure. **Mr. Coty** said his company does not require disclosure.

CHAIRMAN SIMON said it appears there should be additional clarification required to take care of some of the issues which were proposed. Would it be the sponsor's intention to work up some amendments to address the concerns discussed. **REP. BARNETT** said he would resist with **REP. EWER'S** last reference. This is putting the bondsmen in real jeopardy for whatever the cause. They have no power to get that defendant released. **CHAIRMAN SIMON** said to revoke a bond at the end of a year puts the defendant out free and clear. **REP. BARNETT** stated yes, there would be something prepared.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 326

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 54, Missoula County said this bill was an act allowing a licensed electrician or licensed plumber to ask a person working at a job site for proof of licensure as an electrician or plumber and allowing the licensed electrician or licensed plumber to report the lack of a license to the Department of Commerce or to the state electrical board of the board of plumbers. She also presented a page from the MCA regarding electricians and electrical safety. **EXHIBIT 3**

Proponents' Testimony:

Ron VanDiest, State Electrical Board/International Brotherhood of Electrical Workers said he supports this bill as amended. It is a cost reduction to the state. There is an agreement at this time that allows the building codes division to inspect licenses as well as jobs. As matters are moving from state control to municipal control, there is the chance the ability will be lost to inspect.

Ron Berg said he supports this bill. He explained the history of the electrical board.

Jerry Driscoll, Montana State Building Trades said the amendments would clarify the bill and he supports the bill. The job service and employment agencies should police the request for confirmation of licenses but they have no power to do this. There is no one enforcing the law. The Governor and the down forcing government simply should get rid of the position. It is a self-policing thing.

John Petko said for the integrity and safety of the people of Montana bill is supported.

J. Kent Pellegrino, Montana Chapter of the National Electrical Contractors Association said he favored this bill and the amendment.

REP. MILLS stated he supported this bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. ALVIN ELLIS asked if people were going to be put in jeopardy with this position. Mr. Driscoll said it would be a way for an employer or employment agency or union to make sure there was a license before the employee was sent out on a job.

REP. DEVANEY said a licensed electrician may ask for the license. Mr. Driscoll said this was correct.

REP. NORM MILLS said on large construction projects very often they are supervised by licensed and professional engineers and he questioned if it would be appropriate to allow that person to inspect the license working on the job. Mr. Driscoll said yes.

Closing by Sponsor:

The sponsor closed.

HOUSE OF REPRESENTATIVES
BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 1-31-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chair, Maj.	X		
Rep. Bob Pavlovich, Vice Chair, Min.	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		
	X		

37-68-301. License required to engage in electrical work. (1) A person may not engage in or work at the business, trade, or calling of electrical contractor, residential electrician, journeyman electrician, or master electrician in this state until the person has received from the department a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master electrician.

(2) A private or public employment agency or labor union, or an employee thereof, who refers persons for employment by others may not refer a person for employment by others to perform the work of an electrical contractor, residential electrician, journeyman electrician, or master electrician in this state unless the person has received from the department a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master electrician.

History: En. Sec. 6, Ch. 148, L. 1965; amd. Sec. 274, Ch. 350, L. 1974; R.C.M. 1947, 66-2806; amd. Sec. 6, Ch. 546, L. 1979; amd. Sec. 1, Ch. 31, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 31 inserted (2) requiring a license or permit of a person wishing to perform electrical work prior to referral

for employment by an employment agency or labor union; and made minor changes in style.

Cross-References

Installation of new security alarm systems by electrician, 37-60-409.

37-68-302. Unauthorized use of title. No person, firm, partnership, corporation, or association shall assume or use the title or designation of licensed master electrician, licensed journeyman electrician, or residential electrician unless qualified and licensed under this chapter.

History: En. Sec. 8, Ch. 148, L. 1965; R.C.M. 1947, 66-2808; amd. Sec. 7, Ch. 546, L. 1979.

37-68-303. Apprentice may work under licensed electrician — record of apprentices. This chapter does not prohibit a person from working as an apprentice in the trade of electrician with an electrician licensed under this chapter and under rules made by the board. The name and residence of each apprentice and the name and residence of his employer shall be filed with the department, and a record shall be kept by the department showing the name and residence of each apprentice.

History: En. Sec. 17, Ch. 148, L. 1965; amd. Sec. 281, Ch. 350, L. 1974; R.C.M. 1947, 66-2817.

Cross-References

Apprenticeship, Title 39, ch. 6, part 1.

37-68-304. Master electricians — application — qualifications — contents of examination. (1) An applicant for a master electrician's license shall furnish written evidence that he is a graduate electrical engineer of an accredited college or university and has 1 year of practical electrical experience or that he is a graduate of an electrical trade school and has at least 4 years of practical experience in electrical work or that he has had at least 5 years' practical experience in planning, laying out, or supervising the installation and repair of wiring, apparatus, or equipment for electrical light, heat, and power.

(2) Applicants for license as a master electrician shall file an application on forms prescribed by the board and furnished by the department, together with the examination fee. The board shall, not less than 30 days prior to a

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 1-31-95

BILL NO. HB 326 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
H. Kent Pellegrino	Montana chapter Nat Elec Cont Assn	X	
Ron Van Diest	MT. ST. Elect BOARD	X	
HARRELL HOLZER	AFL-CIO	X	
Jerry Driscoll	mt State Bldg Trade	X	
Ron Buckle	IBEW	X	
JOHN PETKO	UA	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

from each other. He said HB 360 alleviated the potential contention which could arise from that.

Closing by Sponsor:

REP. QUILICI said there were times when the legislature was required to pass specific legislation so regulators would know what the intent of the legislation was, which was a reason for HB 360. He agreed with SEN. KLAMPE that "may" in Amendment #2 would probably be sufficient. He said HB 360 was good for utilities because if they were furnishing the money to buy a certain property, they should be able to rate-base it upon the Commission's recommendation it was in their best interest. He said if they couldn't buy the property, they would build new facilities which would cost everyone much more.

HEARING ON HOUSE BILL 326

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 64, Missoula, said the idea for HB 326 came to her when a constituent who was a licensed electrician was frustrated because his work was increasingly being done by unlicensed workers, which created a threat to Montana consumers. She said he was asking for the right to monitor his own profession; therefore HB 326, which had already been amended several times. She distributed and explained copies of amendments as per EXHIBIT #2, and segments from Montana Code as per EXHIBIT #3.

Proponents' Testimony:

Ron Van Diest, Montana State Coalition of Electrical Workers, expressed support for HB 326 for several reasons. (1) The State Electrical Licensing Board looked at the bill as cost-neutral to Montana, and the bill would help circumvent some of the loss which could come from the trend of moving from state to municipal control in the area of state license inspection. He said the licensing cycle for electricians and plumbers was three years, which would necessitate only one inspection of any given electrician in three years. (2) The bill had a good bipartisan sponsorship and had basic self-regulation. Most professions were required by Montana law to display a business license or permit and state statutes required licensed electricians to carry the license with them at all times; therefore, no time was lost in trying to find the license when the inspector asked to see it. (3) The bill would fit into the Uniform Operations Bill.

REP. NORM MILLS, HD 19, Billings, Registered Electrical & Mechanical Engineer, said he had experienced working through state agencies to hire employees with good-sounding credentials, only to discover the employees had no experience or training.

REP. MILLS said inspectors had both the right and responsibility to check the licenses of those doing the actual craft labor, which was protection for both the consuming public and employer paying the bill.

Jerry Driscoll, Montana Building Construction Trades Council, said HB 326 would allow the checking of licenses by other licensed employees, which would save money for Montana and would allow someone to know if the work was being performed by unlicensed employees. He said HB 326 was a good bill.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. EMERSON asked if the changing of a light bulb was a job site. REP. COCCHIARELLA said it was not; therefore, the person would not need to be a licensed electrician.

SEN. MIKE SPRAGUE asked what would happen if a foreman asked a worker to move electrical conduit a short distance. Jerry Driscoll said licensed electricians dealt only with electricity. SEN. SPRAGUE asked if the requirement was certification or license. Mr. Driscoll said it was a license, which was issued after work experience and passing a test. SEN. SPRAGUE asked if it really was a journeyman. Mr. Driscoll said it was.

SEN. BILL WILSON referred to EXHIBIT #3, 37-68-301, Subsection 1, Line 5, and asked about "permit", wondering about its definition and if it should be included in HB 326. Jerry Driscoll said if a person was licensed in another state, but had not yet received a Montana license, that person would get a permit reciprocity with other states. Mr. Driscoll said it would not be necessary to include "permit" in HB 326.

SEN. EMERSON asked if it would be acceptable, under HB 326, for an unlicensed plumber to do the job in a private home. Jerry Driscoll said if the house was not being built by the owner, but was being built for resale, certain areas in the house would need a licensed plumber. SEN. EMERSON wondered if there would be a problem for the home owner with a licensed electrician checking an unlicensed plumber. Mr. Driscoll said electricians could only check electricians and plumbers could only check plumbers, etc.

Closing by Sponsor:

REP. COCCHIARELLA said the man who requested she carry HB 326 said he was having trouble paying his Workers' Compensation premium because he was seeing unlicensed people doing his licensed professional work; also, he was being undercut by those who were not paying Workers' Compensation, or other requirements of the law, while he was in compliance. She reminded the committee HB 326 was not asking for more state FTE's; rather, it allowed people in the business the authority and backing to

monitor what went on in their work. REP. COCCHIARELLA encouraged the passing of HB 326.

HEARING ON HOUSE BILL 502

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 64, Missoula, said HB 502 was brought to her by Montana realtors, who realized the playing field would be even if radon notification was required to be provided to potential buyers. She contended HB 502 made the timing better for the realtors when selling homes.

Proponents' Testimony:

Steve Mandeville, Montana Association of Realtors, said HB 502 narrowed the application to inhabitable buildings, both residences and businesses, and said buyers could not back out of the transaction because of radon disclosure. He urged passage of the bill, stating it was helpful to both the public and the realtors.

Adrian Howe, Montana Department of Health and Environmental Sciences, said the Health Department supported HB 502 on behalf of the realtors as well as public health activities.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. KLAMPE said he had recently read radon did not pose a health threat and wondered why it was still a worry. Adrian Howe said the newspapers picked only bits and pieces from the study, the sampling was only 580 persons and was based on typical radon concentrations in homes which was much less than the EPA action amount.

SEN. EMERSON asked Mr. Howe why he believed the EPA rather than the newspaper. Mr. Howe said radon was a human carcinogen, the study of which was based on minor studies extrapolated and not on laboratory animal studies and extrapolated to humans. He referred to a study done in Sweden which supported the minor data which had been accumulated.

SEN. EMERSON asked if it would be preferable to remove the entire bill, rather than make the minor changes. Steve Mandeville said he would not want to see HB 502 eliminated because the realtors believed in full disclosure, i.e. the public should know the hazards involved in buying property.

EXECUTIVE ACTION ON HOUSE BILL 326

Bart Campbell distributed amendments, HB032601.ABC, EXHIBIT #8.

Motion: SEN. BILL WILSON MOVED HB 326 AS AMENDED BE CONCURRED IN.

Discussion: SEN. KLAMPE asked if the bill included checking on fishing licenses. SEN. HERTEL said HB 326 specifically referred to electricians and plumbers.

SEN. EMERSON said SB 326 reinforced the operation of unions, instead of private individuals.

SEN. WILSON said it was not a union issue, nor was it out of line.

SEN. FORRESTER said SB 326 was a good bill because it could prevent the licensed company owner having unlicensed people working, except in the case of an unlicensed worker who could work for a licensed electrician for four years, register with the state, take the electrical test and get a license. He said the person on the job site could be the superintendent of the job, the homeowner, etc.

{Tape: 2; Side: A}

SEN. KLAMPE asked if there wasn't a law already that stated an employer or boss could make sure the employees were licensed.

SEN. FORRESTER said the Department of Commerce rehired an inspector who came to Billings and found 10-12 electrical contractors who were not in compliance with current law. He explained HB 326 allowed for inspection by on-the-job people.

SEN. KLAMPE wondered if HB 326 would cause problems on the job.

SEN. FORRESTER said it would not, because now there would be enforcement of the law.

SEN. EMERSON asked if a licensed electrician could string wire and nail boxes better than an unlicensed one. SEN. FORRESTER said work done by a licensed electrician would ensure it was correct, because he had passed a test.

Vote: The motion HB 326 AS AMENDED BE CONCURRED IN PASSED UNANIMOUSLY by voice vote.

EXECUTIVE ACTION ON HOUSE BILL 502

Motion/Vote: SEN. GARY FORRESTER MOVED HB 502 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY by voice vote.

MONTANA SENATE
1995 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE

ROLL CALL

DATE _____

3-2-95

[illegible]

~~arrived late~~
~~present~~
~~to C~~

SEN:1995
wp.rollcall.man
CS-09

Amendments to House Bill No. 326
Third Reading Copy

*Presented by
Bart Campbell*

For the Committee on Business and Industry

Prepared by Bart Campbell
March 1, 1995

1. Title, line 6.

Following: "INSPECTOR,"

Insert: "AN EMPLOYEE OF THE DEPARTMENT OF COMMERCE,"

2. Page 1, lines 15 and 23.

Following: "INSPECTOR,"

Insert: "an employee of the department,"

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 2, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration HB 326 (third reading copy -- blue), respectfully report that HB 326 be amended as follows and as so amended be concurred in.

Signed: John Hertel

Senator John R. Hertel, Chair

That such amendments read:

1. Title, line 6.

Following: "INSPECTOR,"

Insert: "AN EMPLOYEE OF THE DEPARTMENT OF COMMERCE,"

2. Page 1, lines 15 and 23.

Following: "INSPECTOR,"

Insert: "an employee of the department,"

-END-

brought to Susan
3-3-95

Changed to: Sen. John Harp

Sen. Harp

Amd. Coord.